

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**  
**COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER



DATE \_\_\_\_\_

**October 15, 2009**

## MOTOR CARRIER MATTER



DOCKET NO.

**2008-360-S**

## UTILITIES MATTER



ORDER NO.

**SUBJECT:**

DOCKET NO. 2008-360-S - Happy Rabbit, LP on Behalf of Windridge Townhomes, Complainant, v Alpine Utilities, Incorporated, Respondent - Discuss with the Commission Happy Rabbit, LP's Request for Supersedeas Order.

**COMMISSION ACTION:**

Move that this Commission adopt the following ruling:

Happy Rabbit's request is denied on the ground that it has failed to demonstrate that it is entitled to supersedeas of the Commission's orders. The applicable standard under South Carolina Appellate Court Rule 241(c)(2) is "whether such an order is necessary to preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot." Happy Rabbit's stated reason for its request is that it "remains concerned about the future business viability of Alpine ..." such that "Alpine may be financially unable to refund the funds escrowed by Happy Rabbit." However, Happy Rabbit cites to merely possible future events that could impact Alpine's financial health.

The petitioner's arguments are not persuasive. For instance – and of most relevance to this Commission's jurisdiction – is Happy Rabbit's argument that the rate relief granted to Alpine pursuant to its 2008 rate case petition (Docket No. 2008-190-S) may be insufficient to preserve Alpine's financial integrity. Although Happy Rabbit now argues that this Commission may have granted insufficient rate relief to Alpine for it to maintain its financial integrity, Happy Rabbit was a signatory to a settlement agreement in that docket in which it represented to this Commission that the rates contained in the parties' agreed-upon rate schedule "are reasonably designed to allow [Alpine] to provide service to its sewer customers at rates and terms and conditions of service that are fair, just and reasonable and provides the opportunity to recover a fair and reasonable level of revenue." Happy Rabbit further represented that those rates "preserv[e] the financial integrity of the Company." It's representation of the appropriateness of the rate relief granted to Alpine in the fall of 2008 certainly undercuts its arguments that "Alpine may be financially unable to refund the funds escrowed by Happy Rabbit."

In any event, the contingent, possible future events listed by Happy Rabbit do not convince this Commission that a supersedeas order is necessary to preserve jurisdiction of this appeal or to prevent a contested issue from becoming moot.

PRESIDING: Fleming

SESSION: Regular

TIME: 2:30 p.m.

MOTION   YES      NO      OTHER

FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HAMILTON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MITCHELL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WHITFIELD	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WRIGHT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Absent

Annual Leave

(SEAL)

RECORDED BY: J. Schmieding

